

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6594

BILL NUMBER: SB 205

NOTE PREPARED: Dec 22, 2011

BILL AMENDED:

SUBJECT: Employment Status of Employment Applicants.

FIRST AUTHOR: Sen. Breaux

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill provides that an employer may not publish an advertisement for an employment vacancy that states that qualification for the employment position includes current employment by the applicant. Civil penalties may be assessed by the Department of Labor against employers who violate the provision.

The bill also provides that an employer may not discriminate against an applicant or a prospective applicant for employment based on the currently unemployed status of the applicant. An aggrieved applicant may bring a civil action against the employer for enforcement.

Effective Date: July 1, 2012.

Explanation of State Expenditures: The bill could increase costs to the state as an employer if the state were required to pay a civil penalty or defend against a civil action and pay the damages, court costs, and attorney fees of an aggrieved individual.

Explanation of State Revenues: *Civil Penalties:* Employers who are assessed a civil penalty for publishing an advertisement for an employment vacancy requiring an applicant to currently be employed in order to be considered for a position would be required to pay \$1,000 for an initial violation, \$5,000 for a second violation, and \$10,000 for a third or subsequent violation.

Court Fee Revenue: If additional civil actions occur and court fees are collected, revenue to the state General Fund may increase. A civil costs fee of \$100 would be assessed when a civil case is filed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed

in a city or town court. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$5), judicial salaries fee (\$19), public defense administration fee (\$5), court administration fee (\$5), and the judicial insurance adjustment fee (\$1) are deposited into the state General Fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

Explanation of Local Expenditures: See *Explanation of State Expenditures*.

Explanation of Local Revenues: *Court Fee Revenue:* If additional civil actions occur, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$100 civil costs fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

State Agencies Affected: All, Department of Labor.

Local Agencies Affected: All.

Information Sources:

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